

1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: T. WALLIMANN et al.

Application No.: 09/769,404

Filed: January 26, 2001



Group Art Unit: 1646

Examiner: J. Andres

For: METHODS OF TREATING BONE OR
CARTILAGE CONDITIONS BY THE
ADMINISTRATION OF CREATINE

Attorney Docket No.: 8932-296

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RESPONSE TO RESTRICTION REQUIREMENT

Box Non-Fee Amendment

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated November 2, 2001, Applicants respectfully request entry of the following remarks and amendments into the record of this application. This response is understood to be timely filed as the Office Action sets forth a three (3) month time for reply and February 2, 2002 fell on a Saturday.

IN THE CLAIMS

~~Please cancel claims 25-27.~~

*M. CH
HUN-C - N CH C-9-a*

REMARKS

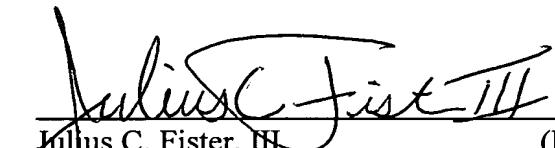
Claims 1-24 are pending. In response to the Examiner's restriction requirement, Applicants elect the invention of Group I, claims 1-24, which are drawn to a method of affecting bone or cartilage growth. Accordingly, claims 25-27 of Groups II-III have been canceled without prejudice to Applicants' right to file one or more divisional applications directed toward the subject matter thereof.

With regard to the election of a species of co-administered compound, Applicants provisionally elect, for search purposes, claims silent with respect to a co-administered compound. With regard to the election of a cell type, Applicants provisionally elect osteoblasts as the cell type for search purposes. With regard to the election of a specific chemical structure, Applicants elect creatine pyruvate for search purposes. At least claims 1-7 and 13-24 are understood to read on the provisionally elected species.

This response is understood to be timely filed as the Office Action sets forth a three (3) month time for reply. Accordingly, no fee is believed to be due for the submission of this response. Should a fee for extension of time or a fee for other purposes be required, however, please charge such fees to Pennie & Edmonds deposit account no. 16-1150.

Respectfully submitted,

Date February 4, 2002

For:  46,702
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